

REMARKS

This Amendment is being filed in response to the Office Action mailed May 27, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the application, where claims 1, 8 and 15 are independent.

In the Office Action, the Examiner objected to claim 15 for a certain informality. In response, claim 15 has been amended in accordance with the Examiner's suggestion. It is respectfully submitted that the objection to claim 15 has been overcome and withdrawal of this objection is respectfully requested.

In the Office Action, claims 15, 17 and 18 are rejected under 35 U.S.C. §102(b) as over U.S. Patent No. 5,003,221 (Shimizu). Further, claims 1-3, 5-6, 8-9, 12, 16 and 20 are rejected under 35 U.S.C. §103(a) as over Shimizu in view of WO 00/12226 (Jones). Claim 4 is rejected under 35 U.S.C. §103(a) over Shimizu in view of Jones and U.S. Patent No. 6,117,529 (Leising). Claims 10-11 and 13-14 are rejected under 35 U.S.C. §103(a) over Shimizu in view of

Jones and U.S. Patent No. 5,294,870 (Tang). Claim 19 is rejected under 35 U.S.C. §103(a) over Shimizu in view of Leising. Claim 7 is rejected under 35 U.S.C. §103(a) over Shimizu in view of Jones and U.S. Patent Application Publication No. 2004/0061124 (Trottier). It is respectfully submitted that claims 1-20 are patentable over Shimizu, Jones, Leising, Tang and Trottier for at least the following reasons.

Shimizu is directed to an electroluminescent (EL) element having thin film layers 12 formed between a transparent substrate 11 (refractive index=1.5) and an electrode layer 13 (refractive index=1.9), as shown in FIG 2 and described on column 4, lines 30-35. The refractive indices of the thin film layers 12 are changed to be approximated to those of these layers 11, 13 toward the interfaces. As specifically recited on column 7, lines 5-10, the "thin film layer 12 in Manufacturing Example 1-1 was formed by sequentially stacking a plurality of thin films 12a (refractive index=1.5), 12b (1.6), 12c (1.7), 12d (1.8), and 12e (1.9)." That is, the plurality of thin films 12a has an increasing index from 1.5 to 1.9.

In stark contrast, the present invention as recited in

independent claim 1, and similarly recited in independent claims 8 and 15, amongst other patentable elements recites (illustrative emphasis provided):

said transparent dielectric layers having a high refractive index n being arranged in alternating manner with said transparent dielectric layers having a low refractive index n .

A stack of alternating transparent dielectric layers of high and low refractive indices is nowhere disclosed or suggested in Shimizu. Jones, Leising, Tang and Trottier. Rather, Shimizu discloses thin films 12a having an increasing index. Jones, Leising, Tang and Trottier are cited to allegedly show other features and do not remedy the deficiencies of Shimizu.


Accordingly, it is respectfully submitted that independent claims 1, 8 and 15 allowable. In addition, claims 2-7 and 9-20 are allowable at least because they depend from independent claims 1, 8 and 15 as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of

argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
August 21, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101